

**William P. Ferranti**, OSB #160069  
wpf@ferrantiappeals.com  
**THE FERRANTI FIRM LLC**  
1819 SW 5th Ave. #403  
Portland, Oregon 97201  
Tel: (503) 877-9220

**Vincent C. Ewing**, admitted *pro hac vice*  
vcewing@me.com  
**LAW OFFICE OF VINCENT C. EWING**  
111 West Ocean Blvd., Suite 400, PMB 444  
Long Beach, CA 90802  
Tel: 626-818-5245

*Attorneys for Defendant Boris Berian*

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

NIKE USA, INC., an Oregon corporation.

Case No. 3:16-cv-00743-SB

Plaintiff,

v.

BORIS BERIAN, an individual California resident.

Defendant.

**DECLARATION OF MERHAWI KEFLEZIGHI**

**In Support Of Defendant Boris Berian's Opposition To Nike's Motion For Expedited Preliminary Injunction Hearing and Related Discovery**

I, Merhawi Keflezighi, hereby declare as follows:

1. I am the Founder and Director of HAWI Management. I submit this declaration in support of Defendant Boris Berian's Opposition To Nike's Motion For Expedited Preliminary Injunction Hearing and Related Discovery. The information herein is based on my personal knowledge, and, if called and sworn as a witness, I could and would testify competently thereto.

2. I have been Boris Berian's agent since October 1, 2015.

3. On February 15, 2016, Nike sent to me by email a document that it has characterized as a 2016 Contract between Nike and Mr. Berian.

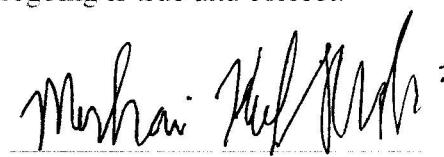
4. That document included, among numerous other terms and provisions, the following "AFFILIATION" clause, as paragraph VII of "SCHEDULE A BORIS BERIAN COMPENSATION AND BONUS SCHEDULE":

NIKE shall permit ATHLETE to compete under the Big Bear Track Club affiliation, and ATHLETE may wear the official uniform and footwear of Big Bear Track Club in all domestic competitions, including the US Indoor Championships and US Olympic Trials, in 2016. ATHLETE shall compete for Team NIKE and wear the Team NIKE official uniform in all international events.

5. I anticipate authenticating and submitting the entirety of this document for the Court's review after Mr. Berian's counsel has an opportunity to address with Nike's counsel the need (if any) for the document to be redacted or filed under seal.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 5, 2016.



MERHAWI KEFLEZIGHI  
FOUNDER AND DIRECTOR  
HAWI MANAGEMENT